

AMENDED IN SENATE MARCH 23, 2010

**SENATE BILL**

**No. 1282**

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**Introduced by Senator Steinberg**

February 19, 2010

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An act to add Chapter 5.2 (commencing with Section 2529.50) to Division 2 of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1282, as amended, Steinberg. Applied—behavioral behavior analysis—therapists services: *California Behavioral Certification Organization*.

Existing law provides for the licensure and regulation of various healing arts practitioners, including, but not limited to, marriage and family therapists, clinical social workers, educational psychologists, and professional clinical counselors, by the Board of Behavioral Sciences in the Department of Consumer Affairs.

This bill would state the intent of the Legislature to enact legislation that would provide for the certification of applied behavioral analysis therapists provide for the certification or registration of specified applied behavior analysis practitioners by a California Behavioral Certification Organization, which would be a nonprofit organization meeting specified requirements, and would impose certain duties on the organization. The bill would specify which individuals would be considered as qualified to practice applied behavior analysis services, and would prohibit an individual from holding himself or herself out as a practitioner unless he or she has complied with the act or another applicable licensing provision or is otherwise certified by certain nationally recognized entities. The bill would authorize the organization

to establish specified curriculum and continuing education standards, and establish a certification and registration process, in conjunction with the California Association for Behavior Analysis (CalABA). The bill would require CalABA to implement the certification or registration process until the organization is established. The bill would set forth other disciplinary standards and hearing requirements.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. It is the intent of the Legislature in enacting this  
2 act to provide state recognition of educated, trained, and  
3 experienced individuals that provide applied behavior analysis  
4 services to individuals with medical conditions such as autism  
5 spectrum disorder and other conditions that are responsive to  
6 behavior analysis. This act recognizes those professionals  
7 practicing with existing licenses issued by the state and those  
8 certified by nationally accredited organizations, and is intended  
9 to create an additional pathway for certification through the  
10 establishment of a private nonprofit organization that will enable  
11 consumers to identify qualified providers of applied behavior  
12 analysis services. These pathways for recognition of qualified  
13 providers will ensure that providers have completed sufficient  
14 training at approved institutions of higher education and follow  
15 nationally recognized standards for recognition of these  
16 professionals upon which consumers and those who pay for applied  
17 behavior analysis services, including private entities, governmental  
18 entities, nonprofit organizations, health care service plans, or  
19 insurers, may rely.

20     SEC. 2. Chapter 5.2 (commencing with Section 2529.50) is  
21 added to Division 2 of the Business and Professions Code, to read:

22  
23     CHAPTER 5.2. APPLIED BEHAVIOR ANALYSIS SERVICES  
24

25     2529.50. For purposes of this chapter, the following terms  
26 have the following meanings:

- 27     (a) "ANSI" means the American National Standards Institute.  
28     (b) "BACB" means the Behavior Analyst Certification Board.

1 (c) “CalABA” means the California Association for Behavior  
2 Analysis.

3 (d) “CBCO” or “organization” means the California  
4 Behavioral Certification Organization established by this chapter.

5 (e) “NCCA” means the National Commission for Certifying  
6 Agencies.

7 2529.55. (a) A person who is qualified to provide applied  
8 behavior analysis services, as enumerated in Section 2529.6, may  
9 do all of the following:

10 (1) Design, implement, and evaluate systematic instructional  
11 and environmental modifications to produce social improvements  
12 in the behavior of individuals or groups.

13 (2) Apply the principles, methods, and procedures of behavior  
14 analysis.

15 (3) Utilize contextual factors and establish operations,  
16 antecedent stimuli, positive reinforcement, other consequences,  
17 and other behavior analysis procedures to help people develop  
18 new behaviors, increase or decrease existing behaviors, and emit  
19 behaviors under specific environmental conditions.

20 (4) Assess functional relations between behavior and  
21 environmental factors, known as functional assessment and  
22 functional analysis.

23 (5) Use procedures based on scientific research and the direct  
24 observation and measurement of behavior and environment.

25 (6) Determine whether a nonlicensed or noncertified individual  
26 shall be deemed as qualified to provide applied behavior analysis  
27 services, exclusive of paragraph (7), subject to his or her  
28 supervision and solely for the purpose of implementing the services  
29 of applied behavior analysis developed by a person described in  
30 subdivision (a) of Section 2529.6.

31 (7) Supervise the delivery of applied behavior analysis services  
32 by nonlicensed or noncertified individuals as described in  
33 paragraph (6).

34 (b) The practice of applied behavior analysis excludes  
35 psychological testing, neuropsychology, psychotherapy, sex  
36 therapy, psychoanalysis, hypnotherapy, and long-term counseling.

37 2529.6. (a) The following persons shall be recognized as  
38 qualified to provide applied behavior analysis services as described  
39 in Section 2529.55:

1     (1) *Licensed professionals, including, but not limited to,*  
2     *physicians and surgeons, psychologists, social workers, marriage*  
3     *and family therapists, speech-language pathologists, occupational*  
4     *therapists, physical therapists, or counselors, when acting within*  
5     *the scope of their license, formal training, experience, and accepted*  
6     *standards of their profession.*

7     (2) *An individual with certification in applied behavior analysis*  
8     *from the BACB or another organization that is accredited by the*  
9     *NCCA or ANSI whose mission is to meet professional credentialing*  
10    *needs identified by behavior analysts, governments, and consumers*  
11    *of behavior analysis services.*

12    (3) *An individual specializing in the treatment of autism*  
13    *spectrum disorder who meets all of the following requirements if*  
14    *verified on or before December 31, 2014, by one of the*  
15    *organizations specified in Section 2529.8:*

16    (A) *Possesses a master's or doctorate degree in applied*  
17    *behavior analysis or a related field.*

18    (B) *Demonstrates three years of experience in the last five years*  
19    *of providing, on a consistent rather than an episodic basis, applied*  
20    *behavior analysis services to individuals with autism spectrum*  
21    *disorder, either as an independent professional or as an employee*  
22    *of an organization providing services to those with autism spectrum*  
23    *disorder.*

24    (C) *Submits references from at least two individuals who meet*  
25    *the requirements of paragraph (1) or (2).*

26    (4) *An individual certified by the CBCO pursuant to subdivision*  
27    *(f) of Section 2529.7.*

28    (5) *An individual who holds a bachelor's degree and meets the*  
29    *requirements of subparagraphs (B) and (C) of paragraph (3),*  
30    *subject to registration by one of the organizations specified in*  
31    *Section 2529.8.*

32    (b) *The following persons shall be recognized as qualified to*  
33    *provide applied behavior analysis services as described in Section*  
34    *2529.55, so long as supervised by a person described in paragraph*  
35    *(1), (2), (3), or (4) of subdivision (a):*

36    (1) *A person who is certified as an Assistant Behavior Analyst*  
37    *by the BACB.*

38    (2) *A person who is certified as a California certified assistant*  
39    *services professional by the CBCO pursuant to subdivision (g) of*  
40    *Section 2529.7.*

1     (c) (1) Pursuant to subdivisions (a) and (b), all of the following  
2 shall apply:

3     (A) Persons meeting the requirements of paragraph (1) of  
4 subdivision (a) may hold themselves out as licensed professionals  
5 according to the conditions of their professional license and shall  
6 be deemed by the state as qualified to provide the services set forth  
7 in Section 2529.55. These persons may also hold themselves out  
8 as certified behavior analysis professionals if they meet any of the  
9 criteria specified in paragraph (2), (3), or (4) of subdivision (a).

10    (B) Persons meeting the requirements of paragraph (2), (3), or  
11 (4) of subdivision (a) may hold themselves out as certified behavior  
12 analysis professionals and shall be deemed by the state as qualified  
13 to provide the services set forth in Section 2529.55.

14    (C) Persons meeting the requirements of paragraph (5) of  
15 subdivision (a) may hold themselves out as registered behavior  
16 analysis professionals and shall be deemed by the state as qualified  
17 to provide the services set forth in Section 2529.55.

18    (D) Persons meeting the requirements of subdivision (b) may  
19 hold themselves out as certified assistant behavior analysis  
20 professionals and shall be deemed by the state as qualified to  
21 provide the services set forth in Section 2529.55.

22    (E) Persons meeting the requirements of paragraph (6) of  
23 Section 2529.55 may hold themselves out as qualified by the state  
24 solely for the purpose of implementing the services of applied  
25 behavior analysis, as set forth in Section 2529.55.

26    (2) Paragraph (1) shall apply regardless of whether the services  
27 provided by those persons are paid for by private entities,  
28 governmental entities, nonprofit organizations, health care service  
29 plans, or insurers.

30    2529.7. (a) There is hereby established a California  
31 Behavioral Certification Organization, which shall be a nonprofit  
32 corporation exempt from taxation under Section 501(c)(3) of the  
33 Internal Revenue Code and subdivision (d) of Section 23701 of  
34 the Revenue and Taxation Code.

35    (b) The organization may commence activities as authorized by  
36 this chapter once it has submitted a request to the Internal Revenue  
37 Service and the Franchise Tax Board seeking tax exemption. The  
38 tax exempt application shall include information necessary to  
39 illustrate that the organization will operate in a manner consistent

1 *with the requirements imposed upon, and authority given to, the*  
2 *organization pursuant to this chapter.*

3 *(c) The organization shall have until January 1, 2016, to receive*  
4 *accreditation from either ANSI or NCCA.*

5 *(d) If the organization does not obtain national accreditation*  
6 *by January 1, 2016, it may not certify any additional individuals.*  
7 *However, any individuals certified during the five-year period*  
8 *commencing with the enactment of this section may retain their*  
9 *certification indefinitely provided they continue to meet any*  
10 *requirements established by the organization for certification*  
11 *maintenance and ethical compliance.*

12 *(e) The CBCO board of directors shall be comprised of 12*  
13 *members who shall be residents of the state.*

14 *(f) The CBCO board of directors shall determine through a*  
15 *process involving public input the specific standards necessary to*  
16 *receive certification as a certified behavior analysis professional,*  
17 *as described in paragraph (4) of subdivision (a) of Section 2529.6.*  
18 *However, in the interest of consumer protection, the specific*  
19 *standards shall include one of the following:*

20 *(1) Option one, which minimum requirements shall include all*  
21 *of the following:*

22 *(A) A doctoral or master's degree in applied behavior analysis*  
23 *or a related field from a nationally accredited institution of higher*  
24 *learning and a course sequence in applied behavior analysis that*  
25 *is approved by the CBCO. The course sequence shall be at least*  
26 *equivalent to or more rigorous than an approved course sequence*  
27 *of the BACB.*

28 *(B) The successful completion of an approved practicum or*  
29 *supervised experience in the practice of applied behavior analysis,*  
30 *totaling at least 1,500 hours over a period of not less than one*  
31 *calendar year, of which at least 75 hours are in direct one-to-one*  
32 *contact with the supervisor, or which is equivalent to or more*  
33 *rigorous than the approved practicum requirements of the BACB.*

34 *(C) To ensure mastery of the material, successful completion*  
35 *of an examination administered by the BACB or the CBCO, which*  
36 *is at least as rigorous or equivalent to the examination*  
37 *administered by the BACB.*

38 *(2) Option two, which minimum requirements shall include all*  
39 *of the following:*

1 (A) A doctoral or master's degree from a recognized educational  
2 program accredited by the Association for Behavior Analysis  
3 International, or from a program at a recognized educational  
4 institution that is approved by the third organization and that  
5 substantially meets the educational standards of the accreditation  
6 board of the Association for Behavior Analysis International. The  
7 program shall also include an approved course sequence of the  
8 BACB.

9 (B) The successful completion of an approved practicum or  
10 supervised experience in the practice of applied behavior analysis,  
11 totaling at least 1,500 hours over a period of not less than one  
12 calendar year, of which at least 75 hours are in direct one-to-one  
13 contact with the supervisor.

14 (C) To ensure mastery of the material, successful completion  
15 of an examination administered by the BACB or the CBCO, which  
16 is at least as rigorous or equivalent to the examination  
17 administered by the BACB.

18 (g) The CBCO board of directors shall determine through a  
19 process involving public input the specific standards necessary to  
20 receive certification as a California certified assistant services  
21 professional, as described in paragraph (2) of subdivision (b) of  
22 Section 2529.6. However, in the interest of consumer protection,  
23 the specific standards shall meet all the following minimum  
24 requirements:

25 (1) A bachelor's degree from a nationally accredited institution  
26 of higher learning and a course sequence in applied behavior  
27 analysis that is approved by the CBCO. The course sequence shall  
28 be at least equivalent to or more rigorous than an approved course  
29 sequence for an Assistant Behavior Analyst from the BACB.

30 (2) The successful completion of an approved practicum or  
31 supervised experience in the practice of applied behavior analysis,  
32 totaling at least 1,000 hours over a period of not less than six  
33 months, of which at least 50 hours are in direct one-to-one contact  
34 with the supervisor; or which is equivalent to or more rigorous  
35 than the approved practicum requirements for an Assistant  
36 Behavior Analyst from the BACB.

37 (3) To ensure mastery of the material, successful completion of  
38 an examination administered by the CBCO, which is equivalent  
39 to or more rigorous than the examination for an Assistant Behavior  
40 Analyst administered by the BACB.

1     (h) *The CBCO may charge applicants a fee not to exceed the*  
2 *costs of implementation of the chapter.*

3     2529.8. (a) (1) *Until December 31, 2014, the CBCO shall*  
4 *have the primary responsibility for verifying the qualifications of*  
5 *persons submitting the information set forth in paragraph (3) of*  
6 *subdivision (a) of Section 2529.6.*

7     (2) *The CBCO shall have the primary responsibility for verifying*  
8 *the qualifications of persons submitting the information set forth*  
9 *in paragraph (5) of subdivision (a) of Section 2529.6.*

10    (b) (1) *Prior to the establishment and operation of the CBCO*  
11 *or through December 31, 2014, whichever is earlier, CalABA or*  
12 *its designee shall be authorized to verify the qualifications of*  
13 *persons submitting the information set forth in paragraph (3) of*  
14 *subdivision (a) of Section 2529.6.*

15    (2) *Prior to the establishment and operation of the CBCO,*  
16 *CalABA or its designee shall be authorized to verify the*  
17 *qualifications of persons submitting the information set forth in*  
18 *paragraph (5) of subdivision (a) of Section 2529.6.*

19    (c) (1) *Prior to December 31, 2014, an individual meeting the*  
20 *requirements of paragraph (3) of subdivision (a) of Section 2529.6*  
21 *may submit to the CBCO, or to CalABA, if the latter is accepting*  
22 *submissions, information necessary to establish that the individual*  
23 *meets the requirements set forth in paragraph (3) of subdivision*  
24 *(a) of Section 2529.6.*

25    (2) *If submitted to CalABA under subdivision (b), CalABA shall*  
26 *issue to an individual that meets the qualifications a certificate of*  
27 *temporary certification as a California Certified Behavior Services*  
28 *Professional, which shall be valid for one year or until the CBCO*  
29 *is accepting submissions from those seeking certification pursuant*  
30 *to paragraph (3) of subdivision (a) of Section 2529.6, whichever*  
31 *is later. Once the CBCO commences accepting applications,*  
32 *CalABA shall finish processing all the submissions it has received*  
33 *and shall notify the CBCO of all individuals previously receiving*  
34 *certification from CalABA. Those individuals shall automatically*  
35 *receive CBCO certification.*

36    (3) *If an individual submits information to the CBCO, the CBCO*  
37 *shall issue to an individual that meets the qualifications,*  
38 *certification as a California Certified Behavior Services*  
39 *Professional.*

1     (d) (1) *An individual meeting the requirements of paragraph*  
2 *(5) of subdivision (a) of Section 2529.6 may submit to the CBCO,*  
3 *or to CalABA, if the latter is accepting submissions, information*  
4 *necessary to establish that the individual meets the requirements*  
5 *set forth in paragraph (5) of subdivision (a) of Section 2529.6.*

6     (2) *If submitted to CalABA under subdivision (b), CalABA shall*  
7 *issue to an individual that meets the qualifications a certificate of*  
8 *temporary registration as a California Applied behavior analysis*  
9 *professional, which shall be valid for one year or until the CBCO*  
10 *is accepting submissions from those seeking registration pursuant*  
11 *to paragraph (5) of subdivision (a) of Section 2529.6, whichever*  
12 *is later. Once the CBCO commences accepting applications,*  
13 *CalABA shall finish processing all the submissions it has received*  
14 *and shall notify the CBCO of all individuals previously receiving*  
15 *registration from CalABA. Those individuals shall automatically*  
16 *receive CBCO registration, which shall be valid for five years*  
17 *from the original date of issuance by CalABA.*

18     (3) *If an individual submits information to the CBCO, the CBCO*  
19 *shall issue to an individual who meets the qualifications,*  
20 *registration as a California Applied behavior analysis professional,*  
21 *which shall be valid for five years.*

22     (e) *No later than January 1, 2016, individuals who have received*  
23 *certification pursuant to subdivision (c), shall maintain that*  
24 *certification only if they meet the requirements established by the*  
25 *CBCO for compliance with continuing education and ethical*  
26 *standards. If the CBCO is not in operation, those previously*  
27 *certified by the CBCO shall no longer be able to represent*  
28 *themselves as California Certified Behavior Services Professionals,*  
29 *but may represent that they are recognized by the state as qualified*  
30 *to provide applied behavior analysis services.*

31     2529.9. (a) *It shall be unlawful for any person to hold himself*  
32 *or herself out as a Board Certified Behavior Analyst (BCBA) unless*  
33 *the person is currently certified as a Board Certified Behavior*  
34 *Analyst by the BACB.*

35     (b) *It shall be unlawful for any person to hold himself or herself*  
36 *out as a Board Certified Assistant Behavior Analyst (BCaBA)*  
37 *unless the person is currently certified as a Board Certified*  
38 *Assistant Behavior Analyst by the BACB.*

39     (c) *It shall be unlawful to claim to have state recognition,*  
40 *certification, or registration as a California Certified Behavior*

1 *Services Professional, California Applied behavior analysis*  
2 *professional, or California certified assistant services professional*  
3 *by CalABA, the CBCO, or the BACB, unless the person is otherwise*  
4 *recognized, certified, or registered by that entity.*

5 *2529.10. The CBCO shall implement this chapter in conformity*  
6 *with accepted standards for professional credentialing programs,*  
7 *including, but not limited to, doing all of the following:*

8 *(a) Conducting certification activities in a manner that upholds*  
9 *standards for the competent practice of the profession of behavior*  
10 *analysis.*

11 *(b) Structuring and governing the certification program in ways*  
12 *that are appropriate for the profession of behavior analysis and*  
13 *ensure autonomy in decision making over certification activities.*

14 *(c) Including certified behavior analysts and at least one*  
15 *consumer or public member on the CBCO board of directors.*

16 *(d) Having adequate financial and human resources to conduct*  
17 *effective and thorough certification, registration, recertification,*  
18 *and reregistration activities.*

19 *(e) Establishing, publishing, applying, and reviewing policies*  
20 *and procedures for key certification or registration activities, such*  
21 *as determining eligibility criteria, applying for certification or*  
22 *registration, administering assessment instruments, establishing*  
23 *performance domains, appeals confidentiality, certification and*  
24 *registration statistics, and discipline, and complying with*  
25 *applicable laws.*

26 *(f) Publishing a description of the assessment instruments used*  
27 *to make certification and registration decisions and the research*  
28 *methods used to ensure that the assessment instruments are valid.*

29 *(g) Awarding certification or registration only after the*  
30 *applicant's knowledge and skill have been evaluated and found*  
31 *to be acceptable.*

32 *(h) Maintaining a publicly available list of certified behavior*  
33 *analysts and verifying their certification.*

34 *(i) Analyzing, defining, and publishing performance domains*  
35 *and tasks and associated knowledge and skills for the practice of*  
36 *behavior analysis, and using them to develop the assessment*  
37 *instruments.*

38 *(j) Using assessment instruments that are derived from the job*  
39 *or practice analysis and are consistent with accepted psychometric*  
40 *principles and procedures, such as for setting passing scores,*

1 *scoring and interpreting assessment results, ensuring reliability*  
2 *of scores, or establishing that different forms of the assessment*  
3 *instruments are equivalent.*

4 *(k) Developing, adhering to, and publishing appropriate,*  
5 *standardized, and secure procedures for developing and*  
6 *administering the assessment instruments and for retaining all*  
7 *evidence of the validity and reliability of the assessment*  
8 *instruments, assessment results, and scores of all candidates.*

9 *(l) Requiring periodic recertification and establishing,*  
10 *publishing, applying, and periodically reviewing policies and*  
11 *procedures for recertification or reregistration.*

12 *(m) Requiring adequate continuing education.*

13 *(n) Monitoring the practicing of applied behavioral analysis*  
14 *services consistent with the accepted standards of their respective*  
15 *professions and that the practice of applied behavior analysis is*  
16 *commensurate with their level of formal training and experience.*

17 *(o) Maintaining accreditation by demonstrating continued*  
18 *compliance with accreditation standards.*

19 *(p) Demonstrating that recertification or reregistration*  
20 *requirements measure or enhance the competence of those certified*  
21 *or registered.*

22 *(q) Developing appropriate supervision guidelines for the*  
23 *provision of applied behavior analysis services.*

24 *(r) (1) Establishing and maintaining a process to receive,*  
25 *review, and take corrective action, when necessary, with regard*  
26 *to complaints by consumers of applied behavior analysis or other*  
27 *interested parties against certificate holders or registrants and to*  
28 *make available to the public current status of those persons, such*  
29 *as whether they are in good standing or their certificate or*  
30 *registration has been suspended or revoked and details of any*  
31 *complaints or corrective action taken.*

32 *(2) Maintaining on the organization's Internet Web site*  
33 *information updated annually related to implementation of this*  
34 *chapter.*

35 *(s) Establishing a disciplinary and hearing process pursuant*  
36 *to Sections 2529.11 and 2529.12.*

37 *(t) Requiring an applicant for certification or registration to*  
38 *submit fingerprint images to the CBCO, and establishing a*  
39 *procedure consistent with state law to obtain background*  
40 *information on the applicant.*

1     2529.11. (a) *The CBCO may discipline a certificate holder or*  
2 *registrant by any, or a combination, of the following methods:*

3     (1) *Placing the certificate holder or registrant on probation.*

4     (2) *Suspending the certificate or registration and the rights*  
5 *conferred by this chapter on a certificate holder or registrant for*  
6 *a period not to exceed one year.*

7     (3) *Revoking the certificate or registration.*

8     (4) *Suspending or staying the disciplinary order, or portions of*  
9 *it, with or without conditions.*

10    (5) *Taking other action as the organization, as authorized by*  
11 *this chapter or its bylaws, deems proper.*

12    (b) *The CBCO may issue an initial certificate or registration*  
13 *on probation, with specific terms and conditions, to any applicant.*

14    2529.12. (a) *No certificate holder, registrant, or applicant*  
15 *may be disciplined or denied a certificate or registration pursuant*  
16 *to Section 2529.11 except according to procedures satisfying the*  
17 *requirements of this section. A denial or discipline not in accord*  
18 *with this section shall be void and without effect.*

19    (b) *Any applicant denial or discipline shall be done in good*  
20 *faith and in a fair and reasonable manner. Any procedure that*  
21 *conforms to the requirements of subdivision (c) is fair and*  
22 *reasonable, but a court may also find other procedures to be fair*  
23 *and reasonable when the full circumstances of the denial or*  
24 *discipline are considered.*

25    (c) *A procedure is fair and reasonable if all of the following*  
26 *apply:*

27    (1) *The provisions of the procedure have been set forth in the*  
28 *CBCO articles or bylaws, or copies of those provisions are sent*  
29 *annually to certificate holders or registrants if required by the*  
30 *articles or bylaws.*

31    (2) *It provides the giving of 15 days prior notice of the denial*  
32 *or discipline and the reasons therefor.*

33    (3) *It provides an opportunity for the applicant or certificate*  
34 *holder or registrant to be heard, orally or in writing, not less than*  
35 *five days before the effective date of the denial or discipline by a*  
36 *person or body authorized to decide that the proposed denial or*  
37 *discipline not take place.*

38    (d) *Any notice required under this section may be given by any*  
39 *method reasonably calculated to provide actual notice. Any notice*  
40 *given by mail must be given by first-class or certified mail sent to*

1 *the last address of the applicant or certificate holder or registrant*  
2 *shown on the organization's records.*

3 *(e) Any action challenging a denial or discipline, including any*  
4 *claim alleging defective notice, shall be commenced within one*  
5 *year after the date of the denial or discipline. If the action is*  
6 *successful, the court may order any relief, including reinstatement,*  
7 *that it finds equitable under the circumstances.*

8 *(f) This section governs only the procedures for denial or*  
9 *discipline and not the substantive grounds therefor. A denial or*  
10 *discipline based upon substantive grounds that violates contractual*  
11 *or other rights or is otherwise unlawful is not made valid by*  
12 *compliance with this section.*

13 *(g) An applicant or certificate holder or registrant who is denied*  
14 *or disciplined shall be liable for any charges incurred, services*  
15 *or benefits actually rendered, dues, assessments, or fees incurred*  
16 *before the denial or discipline or arising from contract or*  
17 *otherwise.*

18 2529.13. *(a) Nothing in this chapter shall be interpreted to*  
19 *prohibit individuals not recognized in Section 2529.6 from*  
20 *providing the services defined as applied behavior analysis*  
21 *services, as set forth in Section 2529.55, provided those individuals*  
22 *do not hold themselves out to be Certified Behavior Analysts or*  
23 *claim to have state recognition or certification by the CBCO or*  
24 *CalABA pursuant to this chapter.*

25 *(b) Nothing in this chapter shall be construed to prevent*  
26 *behavior analysis service providers who are vendorized by one of*  
27 *the California Regional Centers or hold state accredited nonpublic*  
28 *agency status from developing, providing, or supervising applied*  
29 *behavior analysis consistent with the requirements of their*  
30 *Regional Center vendorization or nonpublic agency certification*  
31 *or accreditation, provided their practice of behavior analysis is*  
32 *commensurate with their level of training and experience, and they*  
33 *do not hold themselves out to the public by any title or description*  
34 *stating or implying that they are Certified Behavior Analysts, that*  
35 *they are "certified" to practice behavior analysis if they are not*  
36 *in fact certified, or that they are recognized or certified by the*  
37 *state to practice applied behavior analysis.*

38 *(c) Nothing in this chapter shall be construed to require*  
39 *certification, licensure, recognition, or authorization to provide*

1 *applied behavior analysis services nor to add to or increase*  
2 *requirements for providing those services.*

3 *SEC. 3. Nothing in this act shall be construed as interpreting*  
4 *an existing statutory or regulatory requirement.*

5 ~~SECTION 1. It is the intent of the Legislature to enact~~  
6 ~~legislation that would provide for the certification of applied~~  
7 ~~behavioral analysis therapists.~~